

HOUSE BILL NO. 96

INTRODUCED BY J. SINRUD

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING EXECUTIVE BRANCH AGENCIES TO REVIEW THEIR RULES DURING THE NEXT 6 YEARS; IDENTIFYING WHICH RULES MUST BE REVIEWED; REQUIRING REPEAL, AMENDMENT, OR READOPTION OF EACH REVIEWED RULE; PROVIDING FOR REPEAL OF RULES THAT ARE NOT ACTED ON; REQUIRING EACH AGENCY TO REPORT TO THE LEGISLATURE AFTER THE 6-YEAR PERIOD; SUNSETTING NEW RULES AFTER 6 YEARS; AND REPEALING SECTION 2-4-314, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Agency review of and action on existing rules -- report to legislature -- repeal of rules not acted on. (1) During the period of 6 calendar years that begins on January 1, 2006, each agency shall review each of its rules that existed on January 1, 2006.

(2) Each rule must be reviewed to determine if the rule and each of its provisions is still reasonably necessary. A rule that is determined to be no longer reasonably necessary must be repealed, and those provisions of a rule that are determined to no longer be reasonably necessary must either be amended or be deleted from the rule. The procedure for repeal and amendment must comply with this chapter's procedure for the proposal and adoption of the repeal or amendment of a rule. If a rule is amended, the reasonable necessity must be stated for the provisions that are not amended as well as for the amendments. If it is determined that a rule and each of its provisions is still reasonably necessary and that the rule should not be repealed or amended, the rule must be repropose and readopted using this chapter's procedure for the proposal and adoption of a new rule. The repeal, amendment, or reproposal and readoption required by this subsection must be completed before the end of the 6-year period for the review of those rules.

(3) If a rule that must be reviewed is not repealed, amended, or repropose and readopted, the rule may be repealed by the legislature at the regular session following the end of the 6-year period.

(4) On July 1, 2012, each agency shall make available to each legislator a report that states which rules were repealed, amended, or repropose and readopted. For each rule, the report must state the reasonable necessity for the repeal, amendment, retention of provisions that are not amended in a rule that is amended,

1 or reproposal and readoption.

2 (5) A rule adopted after January 1, 2006, terminates 6 years after the date of adoption but may be
3 readopted using this chapter's procedure for proposing and adopting a rule.

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5 **NEW SECTION. Section 2. Repealer.** Section 2-4-314, MCA, is repealed.

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7 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
8 integral part of Title 2, chapter 4, part 3, and the provisions of Title 2, chapter 4, parts 1 through 5, apply to
9 [section 1].

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